Previous references.

Banking 1 of 1899-1900
Sl. 1-2. B.

Later references.

1903.
(Banking)
Ins.

File No. 33 of 03-04.
Serial Nos. 1—2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Part B. for

SUBJECT.

Heirship Certificates granted by Courts outside Mysore, for drawing Bonus due on Life Insurance Policies not to be accepted.

Table of Contents.

Sl. 1. No. 260 dt. 6-8-03. From the Secy. Insurance Committee. Forwarding for the orders, Resolution No. II (1) Subject No. 10. of the Committee passed at its meeting held on 31-7-03 regarding the payment of Bonus on the certificate granted by the Court of South Canara.
Fl. 303

Sl. 2. No. Fl. 781 dt. 8-9-03. To the Secy. Insurance Committee. Stating that, as the place of death is immaterial, the production of a certificate from a Mysore Court should be insisted upon, G. R. S. 58 in these and similar cases and payment made to the proper person.

Rev. Genl Secretariat.
~~Office of the Dewan of Mysore.~~

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note.

Branch (Revenue).

Subject

Letter No 2603/12/8/03 from the Secretary, Mysore State Life Insurance Committee, regarding payment of Bonus due on Policy No 2673, under Rule 23, on the heirship certificate granted by the Court of South Canara.

A

The Insurance Secretary forwards the Committee's Resolution on the subject, which is to the effect that the question be referred to Govt for orders, and states as follows:-

Policy holder No 2673 (Mr P.M. Pereira, Assistant Excise Inspector, Kadur Distt) died at Mangalore on 10.9.01, and his father having surrendered the Policy, applied for the bonus amount of Rs 362/. In accordance with Rule 23, he was required to produce a heirship certificate from a competent Court of Law, and accordingly he produced a certificate obtained from the District Court of South Canara authorizing him to receive the above bonus among other items belonging

to the estate of the deceased, and demanded payment. When it was pointed out to him that, under

B G. O. No 71 1732 & 23.8.00, the certificate should be obtained from the Ellypore Courts, he stated that, as his son died at Mangalore, he obtained the certificate from the South Canara Distt Court. The

C Govt. Advocate having been con-

D sulted in the matter, states that as the G. O. referred to is only ~~applic-able~~ applicable to persons dying within the Province, the heirship certificate under reference may be accepted. The question ~~was~~ involving an important point of law, the Committee resolved to submit it for the orders of Govt.

Along with this, the Insurance Secretary submits for orders the papers relating to a similar case in which the sums amount of Rs 5'78 due on Policies Nos 2955 & 3465, the holder of which died in the Ellypore Province, is claimed by the heir on the authority of a certificate granted by the District Court of Coimbatore.

It is submitted that the latter reference ought to have formed the subject of a ~~diff~~ separate communication

From the Govt Advocate's opinion expressed above, it is seen that the certificate granted by the District Court of Coimbatore cannot be accepted and the G. O. referred to is also clear on the point. So, a certificate from the Bangalore District Court appears necessary.

As regards the ~~former~~ first case, as a member of the committee, Mr. K. V. Varadarajappa, opines that it may await the decision of Govt in the case of Lokanatha Mudaliar's S. B. deposit; and the President of the Committee (Mr. C. Srinivasiengar) doubts as to the correctness of the Govt Advocate's opinion and remarks on his letter as follows:- "-for liabilities to be enforced in Mysore !! How? As usual the Govt Advocate is laconic". The majority of the members are for a certificate being obtained from ~~a court of the~~ one of our courts.

The Secretary

Submitted for orders.

19/8/03

In the case of the man who died in S. Kanara, as

the Sum is small, perhaps
Regt may be ordered. In the
other case a certificate
from a local Court should be
obtained. Draft submitted
for approval.

20/8/03

Shew
Draft
21/8/03

To the Treasurer.

Draft subd
21/8/03

21/8/03

12438
24.VIII.03

Where in both
the cases, local
certificates are
necessary. Council-
Under II d can deal
the cases reported
and if

For favour of instruction.

Asst
To the 2nd. Council 28/8/03

27-VIII-03

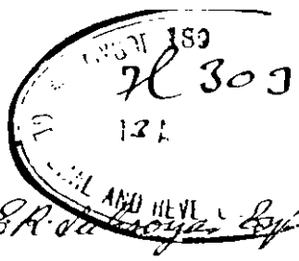
276
29.8.03

I quite agree - irrespective of the
~~must be~~, I would
insist upon a certificate
from a Mysore Court being
required in such
cases - Place of death seems
immaterial - 29/8/03

Rec'd
Clerk
31/8/03

Draft subd
1/9/03

Submitted with
files with
a revised
draft
1/9/03



From E.R. da Souza Esq B.A. B.C.L

The Secretary to the
Mysore State Life
Insurance Committee,
Bangalore.

Serial No. 1.

To H. Vaughan Esq M.A. M.C.L
Secy to the Govt of Mysore

Dated 6th
Despatched/2 August 1903
Received

General No. 260
No.

Enclosure No. 2 files
+ 1 Resolution

Forwarding for the orders of Govt Resolution No: IIIA Subject No: 10 of the Committee passed at its meeting held on 31-7-03 with the office memo No: 380, regarding the payment of bonus on the certificate granted by the Court of South Canara

Read
4 pm
14/8 [illegible]
note submd
19/8

2

ft 5

OFFICE OF THE SECRETARY TO THE MYSORE
STATE LIFE INSURANCE COMMITTEE.

Bangalore
No. 260 Dated 6/12 August 03
Enc. 2 files
+ 1 Resolution

From E. R. Subbaraya Esq. B.A., B.L.
The Secretary to the Mysore
State Life Insurance Committee, Bangalore.

To
The V. Narayanadayya Esq
M.A. & B.L.,
Secretary to the Government
of H.H. The Maharaja of
Mysore
Bangalore

Sir,

In forwarding for the orders of Government Resolution No. II (1) Subject No. 10 of the Insurance Committee passed at its meeting held on 31st July 03 with this Office Memo No 380 dated 31st March 03, for kind reference and return when no longer required, I have

have the honor to submit as follows:—

Policy holder C/o 2693 died at Mangalore on 10th September 1901. The father of the deceased applied for the payment of the Bonus of Rs 362/- assured by the above Policy surrendering the same. As required by Rule 23 the necessity formed that the Bonus could be paid only to the legal heirs of the deceased declared as such by a competent Court of Law. He obtained a certificate from the District Court of South Canara authorizing him to receive the above bonus among other items belonging to the estate of the deceased and producing the same demanded payment. It was pointed out to him that under Government Order C/o Fl. 1732/155 dated 23rd August 1900 that the certificate

certificate should be obtained from the Allepey Courts. He simply he stated that as his son died at Allangalore, he obtained the certificate from the Fourth Canara District Court. The opinion of the Government Advocate was thereupon asked for and obtained. This Officer in his No. 207 of 26th March 03 stated that the Government Order relating to a person who died in the Allepey Province and that in the case under reference the District Court of Allangalore was a competent Court. As the question involved a very important point of Law the Committee resolved to submit it for the orders of Government. The papers relating to a similar Case in which the deceased

died

died within the aforesaid terri
tories and his heir demands
payment of the sums due
on the Policies on the authority
of a certificate granted by
the District Court Commissioner
are also submitted for orders.

I have the honor to be
Sir
Your most Obdt Servant
[illegible]
Secretary Dist Court

Mysore Govt., Gen. & Rev. Secretariat

Rev. Branch

File No. (if any) and its date—

Office Draft.

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Serial No. 2.

Read :

Letter No 2608 12.8.03 from the Secretary, Mysore State Life Insurance Committee, submitting for the orders of Govt. (1) the Committee's resolution ~~in his office memo~~ regarding the payment of the bonus of Rs 362, assured by Policy holder No 2673, who died at Mangalore, to his father, on the authority of ~~Order:~~ the heirship certificate granted by the District court of South Canara and (2) a similar case where a bonus of Rs 578 payable on ~~PG~~ Policies No 2958 & 3465, the holder ~~of~~ above died ~~within~~ the Mysore State, is claimed on the authority of an heirship certificate granted by the District Court of Coimbatore.

Order :

~~Govt think that~~ Local certificates are ~~necessary in both the cases under reference~~, the place of death being immaterial, ~~and that~~ The production of a

certificate from a Collyone
should
Court ~~may~~ be insisted upon
in ~~such cases~~ these &
similar cases & payment
made by the proper person.

Secretary.

4/9/03

Dr 11/9/03

To.

The Secretary, Collyone
State Life Insurance
Committee, returning his
memo No. 380 and its enclosures.

Sept 8/9/03